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AVIATOR BREWING COMPANY, INC.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

TABLE BLUFF BREWING, INC. d/b/a
LOST COAST BREWERY & CAFE, a
California corporation,

Plaintiff,

vs.

AVIATOR BREWING COMPANY, INC., a
North Carolina Corporation,

Defendant.

) CASE NO. 3:14-cv-3433-CRB

) [Hon. Charles R. Breyer]

) **JOINT STIPULATION TO CONTINUE**
) **HEARING DATE ON DEFENDANTS'**
) **MOTION TO DISMISS AND TO CONTINUE**
) **CASE MANAGEMENT CONFERENCE;**
) **ORDER APPENDED HERETO**

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JOINT STIPULATION

Pursuant to Civ.L.R. 6-2, Table Bluff Brewing, Inc. dba Lost Coast Brewery & Café (“Table Bluff”) and Aviator Brewing Company, Inc. (“Aviator”) hereby submit the following stipulation:

WHEREAS, Aviator filed a motion to dismiss originally scheduled for hearing on October 3, 2014, and upon reassignment of this matter to this Court, Aviator filed an Amended Notice of Motion having the same hearing date as the original notice (see, Docket Nos. 11, 16);

WHEREAS, upon learning of the Court’s unavailability for hearing on October 3, 2014, Aviator filed a Second Amended Notice of Motion moving the hearing date to October 10, 2014 (see, Docket No. 18);

WHEREAS, the Court, sua sponte, moved the hearing date for Aviator’s motion to dismiss to October 17, 2014 (see, Docket No. 19);

WHEREAS, primary counsel for Aviator had scheduling conflicts with the October 17, 2014, hearing date, the Court granted the parties’ joint stipulation to continue the hearing date for the motion to dismiss and the Case Management Conference to November 7, 2014 (see, Docket No. 22);

WHEREAS, Defendant’s primary counsel, Mr. Anthony Biller, whose pro hac vice application shall be filed shortly, is involved in a personal adoption matter in Latvia. The Latvian courts have set a hearing in that matter for November 7, 2014. As a result, Mr. Biller will most likely not be available on November 7, 2014.

WHEREAS, counsel for the parties have met and conferred concerning the foregoing, and have agreed to request a change continuing the date for the hearing for the motion to dismiss and the Case Management Conference to November 14, 2014;

WHEREAS, counsel for the parties have agreed as follows:

- The hearing date for Aviator’s motion to dismiss shall be re-scheduled for November 14, 2014;
- The briefing schedule for Aviator’s motion to dismiss shall remain as previously ordered by the Court (see, Docket 22);

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- The Case Management Conference shall be re-scheduled for November 14, 2014, with the deadlines for counsel to meet and confer and the deadline to submit the Joint Case Management Statement remaining as previously ordered by the Court (see, Docket 22);

WHEREAS, this stipulation is not submitted for purposes of delaying these proceedings, but as an accommodation to Aviator's primary counsel's schedule.

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NOW THEREFORE, the parties, by and through their respective counsel, jointly stipulate and agree that:

- The hearing date for Aviator's motion to dismiss shall be re-scheduled for November 14, 2014;
- The Case Management Conference shall be re-scheduled for November 14, 2014.

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Date: September 22, 2014

By: _____

Hon. Charles R. Breyer
United States District Court
Northern District of California

Dated: September 19, 2014

Respectfully,
CISLO & THOMAS LLP

By: /s/Daniel M. Cislo

Daniel M. Cislo
Mark D. Nielsen

Of Counsel:

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Attorneys for Defendant,
AVIATOR BREWING COMPANY, INC.

Dated: September 19, 2014

CALDARELLI HEJMANOWSKI & PAGE LLP

By: s/Ben West (with permission)

Jack R. Leer
Ben West

Attorneys for Plaintiff,
TABLE BLUFF BREWING, INC. dba LOST
COAST BREWERY & CAFE

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